



PRESENT:

Mr. F. Wayne Bass, Chairman
Dr. William P. Brown, Vice Chairman
Mr. Russell Gulley
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Carl D. Schlaudt, Planning Manager, Development
Review Section, Planning Department
Mr. Gregory E. Allen, Planning Manager, Development
Review Section, Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Diane Skinner, Administrative Secretary,
Administration Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Development Review Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Ryan Ramsey, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department
Mr. Ray Cash, Planner, Development Review
Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Alan Coker, Senior Planner, Development
Review Section, Planning Department
Ms. Barbara Fassett, Planning Manager, Advance Planning and

Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning and
Research Section, Planning Department
Ms. Heather Barrar, Principal Planner, Advance Planning and
Research Section, Planning Department
Mr. Zachary Mayo, Planning Data and Geographic Analyst,
Advance Planning and Research Section, Planning Department
Ms. Emily Masters, Administrative Secretary,
Advance Planning and Research Section, Planning Department
Mr. Steven Adams, Senior Engineer,
Transportation Department
Mr. George "Bubba" Bowles, Senior Engineer
Utilities Department
Mr. Randy Phelps, Principal Engineer,
Utilities Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology
Fire Marshall Robby Dawson,
Fire and EMS Department
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department
Ms. Traci E. Teasley, Executive Director of Research & Planning,
School Administration
Boris Solomonov,
Virginia Department of Transportation

ASSEMBLY AND WORK SESSION.

Messrs. Bass, Brown, Gulley, Hassen, Waller and staff assembled at 3:00 p. m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 4:00 p.m. and 6:00 p.m. Sessions.)
- IV. Work Program – Review and Update.
- V. Planning Commission's Follow-up Items List.
- VI. Recess.

II. REVIEW UPCOMING AGENDAS.

Mr. Carl Schlaudt apprised the Commission of the caseload agendas for November and December 2011 and January 2012.

III. REVIEW DAY'S AGENDA.

Mr. Greg Allen presented an overview of, and staff's recommendations for, requests to be considered at the 4:00 p.m. Public Meeting.

Mr. Carl Schlaudt presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p.m. Public Hearing.

IV. WORK PROGRAM - REVIEW AND UPDATE. [WORK PROGRAM](#)

Mr. Turner stated the Tower Siting Policy and the Proposed Code Amendment Relative to Subdivisions have been on the Work Program while the Commission was reviewing the Draft Comprehensive Plan. He also stated that since the Commission was in a good place with the Draft Comprehensive Plan, he suggested that the Commission review these Work Program items at the November 15, 2011 Planning Commission's Work Session.

V. PLANNING COMMISSION'S FOLLOW-UP ITEMS LIST. [FOLLOW-UP ITEMS](#)

There were no questions on items listed on the follow-up items list.

VI. CONSIDERATION OF CHANGES TO DRAFT COMPREHENSIVE PLAN.

In response to Mr. Bass, Mr. Haasch stated that the manufacturing designation within the Matoaca Magisterial District as depicted on the map was correct.

Mr. Gulley stated representatives from Saint Francis' hospital approved the land use designation for their properties.

In response to Mr. Waller, Mr. Turner stated in the southwestern part of the County, lot size would be determined during the zoning process. He further stated that retail areas may want higher densities and the that Environmental Engineering Department had expressed the need to maintain sensitive environmental features by excluding those areas from specific lot sizes.

VII. RECESS.

There being no further business, the Commission recessed at 3:17 p.m.; agreeing to reconvene in the Public Meeting Room for the Afternoon Session.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Mr. Bass, Chairman, called the meeting to order at 4:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building.

II. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions, changes in the order of presentation.

III. **REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures.

IV. **APPROVAL OF THE PLANNING COMMISSION MINUTES:**


- SEPTEMBER 20, 2011 PLANNING COMMISSION MINUTES.
 [09-21-11 DRAFT MINUTES](#)

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to approve the September 20, 2011 Planning Commission Minutes.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

V. **PUBLIC HEARING.**

- **WITHDRAWAL REQUEST BY APPLICANT.**


- A. **11PW0199:** In Bermuda Magisterial District, **SAMARTIN INVESTMENTS, LLC** requests a modification to development standards for paving and curb and gutter to permit gravel parking and drives for **SAMARTIN** in a Commercial (C-3) and Agricultural (A) District on approximately 5 acres located at 13720 Jefferson Davis Highway. Tax ID 799-648-6572.  [11PW0199 - STAFF ANALYSIS](#)

Mr. Turner advised the Commission of the applicant's request for withdrawal of Case 11PW0199.

On motion of Mr. Hassen, the Commission acknowledged the withdrawal of Case 11PW0199.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **CASE WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- B. **06TS0126:** In Midlothian Magisterial District, **DOUGLAS SOWERS** requests adjusted tentative subdivision approval for **NEWMARKET** in a Residential (R-12) District on 242.3 acres located along the west line of Otterdale Road approximately 550 feet south of the intersection of Gamecock and Otterdale Roads. Tax IDs 714-693-2870; 715-695-1547; 714-694-0916.  [06TS0126 - STAFF ANALYSIS](#)

Mr. Greg Koontz, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to approve Case 06TS0126 subject to the following conditions and review notes:

CONDITIONS

1. All conditions and proffered conditions of Zoning Case 04SN0232 shall apply to the land shown within this tentative plat, all construction related proffers including those in textual statement conditions shall be placed on the final check and record plat. (P)
2. At the time of initial construction plan submittal, the sixteen (16) inch water line along Otterdale Road that will serve this project shall be labeled "proposed sixteen (16) inch water line," (County Contract Number 06-0086). (U)
3. The BMP's initial, predominant water-quality function shall be sediment control; the implementation of which shall be coordinated with the first portion of the project that drains in its direction. (EE)
4. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a land disturbance permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
5. Unless otherwise approved by the Environmental Engineering Department, the spillway structure for the wet pond(s) shall be a concrete weir. (EE)
6. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
7. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
8. Approval of the road and drainage plans by Colonial Pipeline Company in relation to its easement and facilities therein is a prerequisite to construction plan approval by the Environmental Engineering Department. A quit claim to VDOT or a satisfactory commitment thereof by Colonial Pipeline Company for the location where Wilkes Bend Drive will cross the Colonial Pipeline Company easement shall be a prerequisite to Subdivision Plat recordation. (EE)
9. The design and construction of the SWM/BMP that will be a County maintained facility would be subject to independently documented geotechnical approval. The services that must be provided by the independent geotechnical engineering firm shall include full-time geotechnical inspection paid for by the developer. That full-time inspection shall include but not be limited to the following:
 - A. Participation/input into the design process as necessary to facilitate the approval process of the independent geotechnical consultant. Observation, testing and documentation of:
 - i. Suitable sub-grades to receive compacted structural fill for earth dam construction.

- ii. The cut-off trench, spillway pipe, drainage blanket, riser structure, and concrete chute spillway sub-grades as applicable to evaluate whether suitable soil is present at bearing grade to verify proper installation.
 - iii. Reinforcing steel, if required, to evaluate its conformance with the project plans and specifications. (EE)
- 10. The name of the geotechnical professional who will provide the geotechnical approval on the dam will be furnished on the land disturbance permit. (EE)
- 11. A dam-failure analysis shall be performed based on an over-topping breach of the dam embankment during a 100 year storm event. Existing or proposed homes shall be outside of the dam failure inundation limits. (EE)
- 12. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the department of the proposed adjacent construction. (EE)
- 13. The areas of storm-water runoff concentration as listed in the Environmental Engineering Department notes will be field located and shown on the plans. The construction plans shall designate the affected lots with an NBP, and an engineered storm sewer, filling, grading, and drainage plan shall be included in the construction plans. (EE)
- 14. The sub-divider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
- 15. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with std & spec 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
- 16. Building envelopes are shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
- 17. Language shall be incorporated into the Homeowners' Association Covenants advising homeowners with an RPA on or adjacent to their property stating that RPAs are to remain in their naturally vegetated state and that the County's Chesapeake Bay Preservation Ordinance requirements relating to RPAs reads as follows: "a vegetated conservation area that retards runoff, prevents erosion, and filters non-point source pollution from runoff shall be retained if present and shall be established where it does not exist." Section 19-232 of Chesterfield County Code states, "If a homeowner wishes to modify the RPA, a plan must be submitted to the Environmental Engineering Department for their approval prior to the commencement of any land clearing activity." (EE)
- 18. Prior to recordation, a copy of the covenants and Articles of Incorporation of the Homeowners Association shall be provided to the Environmental Engineering Department

for approval. In addition to language pertaining to the RPA, the Environmental Engineering Department will determine whether the subdivision has been provided with the information to develop and implement a fertilization/lawn care program to minimize phosphorous runoff from Newmarket. The requirements of the program shall become a part of the covenants for the project affecting all properties within the development. (EE)

19. Special Upper Swift Creek watershed end treatment as directed by the Environmental Engineering Department will be placed in the vicinity of the terminus of manmade storm drainage outfalls. (EE)
20. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions which are approved by the Environmental Engineering Department. (EE)
21. The achievement of adequate surface drainage on lots will be the responsibility of the sub-divider. The sale of lots does not absolve the sub-divider from this responsibility prior to state acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
22. The Environmental Engineering Department may impose a more rigorous erosion and sediment control program than that which is provided by minimum standards found in the Virginia Erosion and Sediment Control Handbook for the protection of the Swift Creek Reservoir and existing downstream ponds. (EE)
23. Prior to recordation, the Environmental Engineering Department must have received notification from VDOT that improvements to the state road(s) into which this project intersects and which, have been authorized by an issued land use permit, have been satisfactorily completed. (EE)
24. Unanticipated problems in the existing adjacent downstream developments which in the opinion of the Environmental Engineering Department, are caused by increases in storm water runoff from the project shall be the responsibility of the sub-divider. (EE)
25. The development of Newmarket shall not utilize mass filling and grading. Areas of filling and grading will only take place in those areas designated on the construction plans and which the review engineer and design engineer concur that such measures are needed. (EE)
26. Clearing on lots for home construction will occur only on a lot by lot basis or as approved by the Environmental Engineering Department in accordance with an individual improvement sketch which has been approved by the Environmental Engineering Department prior to the issuance of a building permit which serves as a land disturbance permit for the land disturbance of the individual lot. (EE)
27. The existing pond on 2800 Otterdale Road will be upgraded as directed by the Environmental Engineering Department. (EE)
28. The existing pond on 2021 Swamp Fox Road will be upgraded/protected as directed by the Environmental Engineering Department. (EE)

29. Unless otherwise approved by the Environmental Engineering Department, the drainage design shall create the drainage patterns as portrayed on the Newmarket CBPA plan dated July 2, 2011 and received by the Environmental Engineering Department on August 2, 2011. (EE)
30. The points of perennial flow along with their GPS coordinate values will be shown on the construction plan and record plat. (EE)
31. The unapproved construction plans entitled Wilkes Bend by the previous consultant are voided and shall be replaced by new plans which are consistent with the approved tentative plat for Newmarket. (EE)
32. Show corrected gas easement and required setback off easement as per Section 17-62 of the Subdivision Ordinance and adjust affected building envelopes on construction plans, final and record plats. Current plat shows incorrect easement location and incorrect setback off of the natural gas easement. (P)
33. The fifty (50) foot buffer adjacent to Otterdale Road shall be located within recorded open space as generally depicted on the adjusted tentative plat and shall be subject to the standards and conditions of Section 17-70 (a) of the Subdivision Ordinance and Case 04SN0232. (P)
34. Right and left turn lanes are warranted at each proposed public road intersection on Otterdale Road. These shall be provided in accordance with the phasing plan required by Proffered Condition 11.E of Case 04SN0232. (T)
35. All VDOT conditions are enforced based on Code of Virginia provisions, corresponding State regulations, and applicable VDOT standards. (VDOT)

REVIEW NOTES:

1. When performing the design of the sanitary sewer for this project, make certain that all the natural draws are to be utilized to the greatest extent possible. Also, position manholes and provide permanent sanitary sewer easements and temporary construction easements as necessary throughout the project to facilitate the possible future extension of sanitary sewer service to those existing parcels adjacent to this project. (U).
2. This office may require redesign or modifications to the proposed sewer layout, as shown on the latest tentative plan, once the field work, grading plan and sewer design have been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
3. It will be the responsibility of the sub-divider to make certain that all proposed sections within this development comply with the Chesterfield County Fire Department's required fire flow of 1000 GPM at 20 PSI residual. These calculations will be verified by our office, and the sub-divider will be notified if any additional improvements will be required by the sub-divider to ensure 20 PSI can be maintained throughout the pressure zone that the project is located within. (U)

4. To satisfy the requirements of Section 17-76 of the Subdivision Ordinance, when the cumulative total of lots in a proposed development exceeds fifty (50), a second street to all lots shall be constructed prior to or in conjunction with the recordation of the fifty-first lot. This requirement is necessary to provide emergency vehicles a second access to the homes should the other entrance be blocked. (F)
5. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
6. Due to the changes in this project, previously submitted construction plans will need to be replaced with new plans reflecting current tentative. (F and P)
7. Standard conditions as per Section 17-62 of the Subdivision Ordinance. (P)
8. Buffers and sound setback must comply with Section 17-70 of the Subdivision Ordinance. (P)
9. Building lines shall be uniform around cul-de-sac bulbs. (P)
10. On the construction plans, insert the instructions in the erosion control narrative for tree protection fencing or tree protection tape to be installed for the buffers and the required sound setback from Powhite Parkway prior to land disturbance. (P)
11. On the final check and record plat, insert the following note "Buffers are exclusive of cut and fill slopes, easements and setbacks. No access is permitted through the buffers to the adjacent roads. Buffers shall remain undisturbed and no vegetation may be removed from buffers without approval of Chesterfield County Planning Department." (P)
12. The final check and record plat shall show all applicable easements as per Section 17-68 of the Subdivision Ordinance. (P)
13. Insert the tentative number in the site statistics notes on construction plans. (P)
14. Homeowners Association with mandatory membership will be required. Ownership and maintenance responsibilities of association shall be stated on all final check and record plats. The sub-divider shall submit draft bylaws and covenants to the Planning Department and the County Attorney's office in conjunction with the final check plat. The sub-divider shall also incorporate the association with the State Corporation Commission. The approved bylaws and covenants shall be recorded prior to or in conjunction with the record plat. The recordation information shall be shown on the record plat and each subsequent final check and record plat. The sub-divider shall fund the first year operational expenses of the association. (P)
15. In conjunction with submittal of the final check plats, the sub-divider shall flag all buffers and sound setback for inspection by the Planning Department. If insufficient vegetation remains, the sub-divider shall submit a landscape plan to the Director of Planning to ensure compliance with this condition. If conditions on site are not conducive to plant survival, the sub-divider shall provide surety to the County in the amount required to

implement the plan. An estimate from a landscape contractor shall serve as basis for the surety amount. (P)

16. Prior to recordation of any cluster section provide updated street tree plan and estimates from a landscaping contractor. Required street trees shall be planted prior to recordation or surety provided as per Section 19-518 (h) of the Zoning Ordinance. (P)
17. In conjunction with all applicable road construction, the sub-divider shall install a standard barricade and place M 4-6 and M 4-7 (Manual Uniform Traffic Devices Reference Manual) signs on said barricade at the end of all stub locations. (P)
18. Provide a detail of the signs on the barricade detail in the construction plans. (P)
19. Any BMP that is located in public view will need to be designed to be a visual amenity and to conform to Section 19-518(i) of the Zoning Ordinance. Plans shall be permitted for review and approval with construction plans. (P)
20. Provide the following note on all final and record plats: "Within the 130 foot setback along Powhite Parkway all natural vegetation shall be retained unless approved by the Chesterfield County Planning Commission. The required sound setback is exclusive of setbacks and required yard." (P)
21. The final check and record plats shall depict the front building line on all lots that do not achieve the minimum lot width at the front setback line. (P)
22. Compliance with Section 17-76 of the Subdivision Ordinance shall be maintained at all times. (P)
23. The thirty (30) foot wide ingress/egress easement required per Condition 12 of Zoning Case 04SN0232 shall be depicted on any record plat in which it is located. Dedication of this easement shall be recorded after the recordation of the Powhite Parkway Extended right-of-way and prior to any record plat approval. (P, P & R)
24. An assessment of the topography in relation to the lot layout has revealed several areas of storm water concentration which are in potential conflict with the desire not to have storm drainage problems related to the development of house and lot. These are engineering issues which should be addressed by the contraction plans and not left to the individual builders to deal with. The physical "low" of these drainage corridors should be field located and appropriate engineering proposals with respect to filling, grading, drainage storm sewer and building envelope locations should be made a part of the construction plans. These areas are as follows. (EE)
 - A. The drainage corridor that begins in Lot 120, passing through the prime home site of Lot 123.
 - B. The two (2) drainage corridors, one (1) of which begins in Lot 207, the other of which begins in Lot 185, converging in Lot 190.
 - C. The drainage corridor beginning in Lot 43, reaching the wetlands adjacent to Lot 49.

- D. The drainage corridor beginning in Lot 69, passing through the home sites of Lots 67, 66 and 65.
 - E. The drainage corridor beginning in Lot 100, tying into the wetlands of Lot 96.
 - F. The drainage corridor coming from the future Powhite Parkway extension, passing through Lot 229.
 - G. The drainage corridor coming from the Powhite Parkway future extension, passing through Lots 236 through 240.
 - H. The drainage corridor beginning in Lot 260, passing through the prime home sites of all Lots between lot 260 and 268.
25. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights-of-way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
 26. All right-of-way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design per Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
 27. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights-of-way must be submitted to VDOT for review as separate submittal under permit process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
 28. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
 29. Design and construction of cul-de-sacs shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
 30. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan," and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing the services of a licensed geotechnical engineer to perform the required inspection and testing. (VDOT)
 31. Design and construction of a minimum three-lane section (one (1) inbound/two (2) outbound) be required:
 - A. On Amethyst Drive to accommodate safe and efficient vehicular movements at intersections with Otterdale Road. (VDOT)

- B. On Willowvale Drive to accommodate safe and efficient vehicular movements at intersection with Otterdale Road. (VDOT)
32. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
 33. The transportation improvements (as outlined in the proffered condition of Zoning Case 04SN0232) shall be satisfactorily completed in accordance with the zoning conditions and the approved phasing plan. (VDOT)
 34. VDOT standard (based on current roadway functional classification) roadway and pavement widening with shoulders and ditch lines should be provided along the limits of development on Otterdale Road to which connections is to be made to accommodate safe and efficient vehicular movements on Otterdale Road. (VDOT)
 35. A forty-five (45) foot edge of pavement radius turnaround is required at cul-de-sac at the western end of Millington Drive, per Appendix B of the 2005 SSR. A minimum fifty-four (54) foot right-of-way radius is required to accommodate the enlarged turnaround at this location. (VDOT)
 36. Approval of the eyebrow on Maclear Drive, Avada Terrace, Carindale Loop and Cedarville Loop would be for 06TS0126 case only. These street configurations are to be designated as counter-clockwise one-way movements and signed appropriately. The non traveled area within the loops shall be included in dedicated right-of-way as stipulated in Appendix B of the 2005 SSR. Passage of WB-50 shall be without running of pavement or scrubbing curbs. (VDOT)
 37. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
 38. Only one (1) curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)
 39. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 SSR. (VDOT)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- C. **11PR0222:** In Clover Hill Magisterial District, **LINGERFELT COMPANIES** requests site plan approval for **HARBOUR POINTE MEDICAL ARTS BUILDING** in a Corporate Office (O-2) District on 6.31 acres fronting approximately 1,065 feet on the north line of Harbour Lane approximately 285 feet from the intersection of Hull Street Road. Tax ID 729-674-6899. [11PR0222- STAFF ANALYSIS](#)

Mr. John Cogbill, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to approve Case 11PR0222 subject to the following conditions and staff review comments:

CONDITIONS

1. Prior to administrative release of the plans, the site plan shall be revised and resubmitted in accordance with the attached Staff Review Comments.
2. Exterior lighting levels located north and west of the building shall be reduced after normal business hours (but no later than 10 p.m.), to minimum-security lighting levels; generally, a minimum of 0.2 and a maximum average of 1.0 foot-candle of horizontal luminance. Also, the height of freestanding light fixtures shall be limited to twenty (20) feet for the entire site. (CPC, P)
3. The construction limits of the proposed eight (8) inch sewer line to serve the medical arts building shall be flagged prior to any excavation or installation of the line. Once the proposed line has been flagged, the Planning Department, the Environmental Engineering Department, the Utilities Department and representatives from the BCA shall be invited to inspect the proposed location. The sewer line shall be installed to avoid an unrestricted view corridor from the neighborhood to the rear of the medical office building. (CPC, P)

STAFF REVIEW COMMENTS:

1. Provide vertical and horizontal intersection and entrance sight distances, with appropriate sight distance easements as needed. Please follow the sight distance guidance found in VDOT's Road Design Manual, Appendix F, page F-36, (dated March 2011). (VDOT)
2. Provide typical cross sections for proposed pavement widening, consistent with the Geometric Standards (GS) for this section of roadway and work protection detail WP-2, showing, but not limited to, all proposed slopes for crown, shoulder, front ditch, tie-in, and widths for lanes, etc. With the latest submission, sidewalk has been added to the plan which is not reflected in the typical section, nor have dimensions been shown with respect to the position of the sidewalk relative to the curb and the one-foot landing area beyond the sidewalk. Please note that the American Disabilities Act stipulates the use of five (5) foot wide sidewalk, or four-foot wide sidewalk with suitably spaced passing zones of five-foot width. (VDOT)
3. Provide a marking or striping plan, including clarification of the proposed modifications in the apparent operational area of the existing traffic signal. (VDOT)
4. Similarly, please show and allow for PM-3 pavement marking where curb without gutter pan is proposed, such as with CG-2." Please clearly show where the PM-3 striping is to be placed. (VDOT)
5. The curb at the western edge of the project should be terminated at full lane width, at the end of the radius, and the shoulder transitioned with the 4:1 taper. Please see the VDOT Road Design Manual, Appendix "F", page f-99. The end of the curb should be vertically beveled to eliminate any sharp angular obstruction to tires. (VDOT)
6. Revise fire flow estimate form to show a 75% reduction in required fire flow. (This will make the minimum 1500 gallons per minute) (F)

7. Call out the vertical clearance of the two overhangs that extend over fire lanes. The minimum clearance over fire lanes is 13'6". (F)
8. Any utilities built in fill shall be mechanical joint ductile iron pipe (MJDIP). Revise the waterline portion in fill from the fire protection tee to the terminus of the line. (U)
9. Show eighteen (18) inch minimum separation of waterline crossings with storm or sewer. (U)
10. The plans show conflicting information with the profiles. Revise the profile to match the necessary material type of MJDIP for the public portion of sewer from manhole 1 to manhole 2. Specify that the aerial portion of the sewer line will be a centered twenty (20) foot section of pipe so no joints are exposed. (U)
11. Submit an irrigation meter sizing form. (U)
12. Show an irrigation backflow preventer on plans and show the detail on the details page. (U)
13. For the sewer lateral, plans show a six (6) inch pipe exiting the building but profiles show an eight (8) inch pipe. Revise as necessary. (U)
14. If it is desired to relocate the existing hydrant at the entrance intersection, be advised that a new hydrant shall be used and the existing one returned to the Utilities Department. (U)
15. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or State permits in relationship to environmental features including but not limited to wetlands, surface waters (e.g. VSMP permit for construction sites, ground water and air quality). Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
16. It has recently come to our attention that the State Stormwater Pollution Prevention Plan (SWPPP) requirements concerning the ten (10) year storm peak attenuation and water quality compliance which varies from bay act compliance may become an issue during the state site inspection process. County construction plan approval does not relieve the owner/developer of responsibility for compliance with State regulations - e.g. 4VAC50-60-80 flooding, 4VAC50-60-60 water quality, etc. Technical assistance from the Department of Conservation and Recreation is available and recommended. (EE)
17. Structures YD-1 through YD-5 (now proposed) must be a minimum twelve (12) inch in diameter as the pipes are conveying surface flow. (EE)
18. Provide additional detail where structure 23A is proposed to tie into the twelve (12) inch deep concrete v-ditch. The transition of the flow depth in the pipe to the flow depth of the channel (as well as the change in flow angle) must be taken into consideration. (The ten (10) year flow depth in pipe is approximately 1.75', depth of open channel is 1.0') (EE)
19. Due to the high velocity in the existing concrete open channel, class II rip rap (under laid with filter fabric) must be specified at the terminus of the channel. (EE)

20. Provide documentation/justification for the Manning's roughness coefficient used in the cross section at the aerial sanitary sewer crossing to determine the 100 year flood plain elevation. (EE)
21. Provide a detail for super silt fence. (EE)
22. The sediment basin must be sized twenty-five (25) percent larger than minimum standards as the project is in the upper swift creek watershed (previous review comment 13). Revise the design and design calculations accordingly. (EE)
23. Revise the limits of disturbance on sheet six (6) to account for the construction equipment access between the construction entrances and the sediment basin. (EE)
24. Additional erosion control measures other than the minimum standards contained in the Virginia Erosion and Sediment Control Handbook will be required if it is determined that such measures are necessary for protection of sensitive environmental features and/or water resources. The application of Anionic PAM to disturbed areas must be specified. Additional details are required on the plans. (EE)
25. Outline the building footprint on the intermediate erosion control plan, sheet 7. (EE)
26. Add the following note to the intermediate erosion control plan on sheet 7 and the final erosion control plan on sheet 8: "The sediment basin shall remain in place until a majority of the site is stabilized. The basin may not be removed until approval is granted by the environmental engineering inspector." (EE)
27. Provide inlet protection (horseshoe treatment) for existing structure SWM-1. It may be beneficial for an application of Anionic PAM at this location. (EE)
28. It appears on the initial erosion control plan that the sediment basin is creating a ponding situation on the south side of the basin. Address accordingly. It may be beneficial to provide incremental grading phases for the installation of the sediment basin. (EE)
29. Revise the detail for the anti-vortex/trash rack on sheet 5 to the standard trash rack detail from Standard and Specification 3.14 of the Virginia Erosion and Sediment Control Handbook. Otherwise, a variance must be submitted for the trash rack shown on sheet 5. (EE)
30. Specify slope stabilization measures in the vicinity where the sanitary sewer line crosses the existing channel. A blown up detail may be beneficial. (EE)
31. A detail must be shown which provides for placement of excavated trench material on the uphill side of the trench while silt fence and stockpiled materials are placed on the downstream side. (EE)
32. A MS-19 (Minimum Standard-19) analysis must be performed at each point of concentrated discharge and at the downstream property line. The location of each analysis must be shown and labeled on the erosion control plan sheets. Provide additional analysis points to include the following:

- a. The outfall of the existing concrete ditch; (provide calculations used to determine the "n" per the Virginia Erosion and Sediment Control Handbook that was used in the cross-section calculation. The channel lining must be specified to determine if the two-year velocity is erosive - See table 5-22.)
 - b. The concrete Storm Water Management (SWM) box; and
 - c. The outfall of the forty-two (42) inch reinforced concrete pipe from the SWM box. (EE)
- 33. Note that all of the above analysis points must be included in the Minimum Standards-19 (MS-19) compliance table. (EE)
- 34. Provide the most up-to-date MS-19 compliance table. (EE)
- 35. Show the incremental drainage areas to the Filterras on the Chesapeake Bay Preservation Act (CBPA) data map. The impervious area within each drainage area must be specified. (EE)
- 36. Drainage area H1 does not all drain to Filterra structure #2 as taken credit for in the Chesapeake Bay Preservation Act calculations. The plans and calculations must be revised accordingly. (Reference proposed curb cuts) (EE)
- 37. The Filterras must be included in the Chesapeake Bay Preservation Act/MS-4 compliance table. (EE)
- 38. Show the entire drainage area to BMP "D" on the Chesapeake Bay Preservation Act data map. (EE)
- 39. The two (2) year, ten (10) year and 100 year water surface elevations must be shown and labeled on the grading plans for BMP "A" through BMP "D". (EE)
- 40. Clarify the different dimensions for the soil layers on the left and right side of the details for BMP's "A" through BMP "D" on sheets 21 and 21A. (EE)
- 41. Address how the flows from the inflow pipes into BMP's A through C will be dissipated to a non-erosive velocity. (EE)
- 42. Provide additional details on the pre-treatment filter strips now proposed for BMP's "A" through "D". (EE)
- 43. The bio-retention planting soil detail on sheet 21 must also specify the required soil testing as required by Minimum Standard 3.11 in the Virginia Stormwater Management Handbook. (i.e., pH, organic matter, magnesium, etc) (EE)
- 44. Provide a trash rack for the proposed orifices for BMP "C" and BMP "D". A detail must be provided. (EE)
- 45. Profiles must be provided for each bio-retention facility (in addition to the details provided). (EE)

46. The detailed planting plan for each bio-retention filter must specify the quantity of each plant proposed to insure that the proposed plantings are in accordance with the Virginia Stormwater Management Handbook. (EE)
47. Show and label the limits of the RPA on sheet 21. (EE)
48. The entire basin must be enclosed within an SWM/BMP easement which extends eight (8) foot beyond the 100 year water surface elevation or downstream toe of dam, whichever applies (Chesapeake Bay Preservation Act 14). It does not appear that the proposed easement extends eight (8) feet beyond the downstream toe of dam. (EE)
49. In addition, label the proposed SWM/BMP easements for the Filterbasins on sheet 17. (EE)
50. A BMP maintenance fee in the amount of \$1,500 per impervious acre is required for commercial development. Payment must be received prior to issuance of a land disturbance permit. Specify the total proposed impervious area (to include the right-of-way) for the project on the Chesapeake Bay Preservation Act data map. (EE)
51. Clarify the permitted use on sheet 8 as "Medical Office and Medical Clinic with Urgent Care." (P)
52. On the landscape plan provide evergreen shrubs in the area west of the sewer pipe connection to shield views from the adjacent residential parcels. (P)
53. Prior to issuance of a building permit, documentation shall be provided to the planning department that the required common open space has been dedicated to The Brandermill Community Association. (P)
54. Verify that handicap spaces located between contours 213 and 214 do not exceed two (2) percent grade in any direction. Provide spot elevations to demonstrate two (2) percent grade as needed. (P)
55. Specify a more traditional or standard shoebox type of light fixture more in keeping with the building and existing fixtures on surrounding properties. Provide Catalogue cut sheets for each exterior light fixture proposed. (P)
56. Provide additional light control on fixtures located along the perimeter of the site including orientation of fixtures and house side shields. (P)
57. Prior to administrative release of the site plan, provide documentation of final approval for the site plan and architectural elevations from the Brandermill Community Association Architectural Review Board. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:10 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER EXECUTIVE MEETING ROOM.

During dinner, there was general discussion regarding pending cases.

6:00 P.M. PUBLIC MEETING AND HEARING.

I. INVOCATION.

Dr. Brown presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, or changes in the order of presentation.

V. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VI. CITIZEN COMMENTS ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

VII. PUBLIC HEARING.

• WITHDRAWAL REQUEST BY APPLICANT.

- F. 12SN0119:** In Bermuda Magisterial District, **COURTNEY D. VIPPERMAN** requests conditional use approval and amendment of zoning district map to permit a family day care home in an Agricultural (A) District on 9.6 acres known as 5615 Centralia Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 – 2.5 dwelling units/acre. Tax ID 778-661-6625. [12SN0119 - STAFF ANALYSIS](#)

Mr. Turner advised the Commission of the applicant's request for withdrawal of Case 12SN0119.

On motion of Mr. Hassen, the Commission acknowledged the withdrawal of Case 12SN0119.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER.**

- A. **09SN0141:** In Dale Magisterial District, **CASCADE CREEK HOMES, INC.** requests rezoning and amendment of zoning district map from Residential (R-9) to Neighborhood Business (C-2) on 12.5 acres located in the northeast corner of the intersection of Cogbill Road and Five Forks Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. Tax ID 762-678-Part of 4600.

 [09SN0141 - STAFF ANALYSIS](#)

Mr. Jim Theobald, the applicant's representative, accepted deferral of Case 09SN0141, by Dr. Brown, to the April 2012 Planning Commission's regularly scheduled meeting.


No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Brown's request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 09SN0141 to their April 2012 Planning Commission regularly scheduled meeting.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **CASES WHERE THE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- B. **11SN0252:** In Bermuda Magisterial District, **MURPHY'S LAW BILLIARDS & SPORTS PUB** requests conditional use planned development approval and amendment of zoning district map to permit an off-track betting facility in a Neighborhood Business (C-2) District on 5.2 acres fronting 230 feet on the east line of Iron Bridge Road at its intersection with Chesterfield Meadows Drive, also fronting 650 feet on the south line of Chesterfield Meadows Drive, 120 feet west of Memory Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. Tax ID 773-660-8800.  [11SN0252 - STAFF ANALYSIS](#)

Mr. Ron Judy, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen stated a community meeting was held with no one in attendance.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 11SN0252 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This conditional use planned development approval shall be granted to and for Murphy's Law Billiards & Sports Pub only, and shall not be transferable or run with the land. (P)

2. This conditional use planned development approval shall be limited to the operation of an off-track betting facility which allows advanced deposit account wagering (as defined in the Code of Virginia) only, and as an accessory use to the billiards and sports pub business located at 6411 Chesterfield Meadows Drive. (P)
3. There shall be no signs identifying this use visible from the exterior of the building. (P)
4. This use shall be located internal to the primary structure occupied by the billiards and sports pub business and shall not have separate exterior access to the public. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- C. 12SN0116:** In Dale Magisterial District, **JACK R. WILSON, III** requests conditional use approval and amendment of zoning district map to permit a child care center in Agricultural (A) and Light Industrial (I-1) Districts on 24.3 acres located in the southwest corner of Court Yard and Iron Bridge Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed and general industrial uses. Tax IDs 773-657-4168-00001 and 00002. [12SN0116 - STAFF ANALYSIS](#)

Mr. Jack Wilson, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 12SN0116 subject to the following conditions:

CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning district are more restrictive, any new development for child day care use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. There shall be no active playfields, courts or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc. (P)
3. Any playground areas shall be located a minimum of forty (40) feet from all property lines. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522 (a)(1) of the Zoning Ordinance. (P)

(NOTE: These conditions would not apply to any permitted use, such as a church, on the property.)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- D. 12SN0117:** In Bermuda Magisterial District, **SMITH IRON AND METAL CO., INC.** requests conditional use approval and amendment of zoning district map to permit a marine terminal in a Heavy Industrial (I-3) District on 32.3 acres fronting 60 feet on the north line of Bellwood Road, 250 feet west of the southern terminus of Bellwood Road. Density will be controlled by zoning conditions or Ordinance standards. The

Comprehensive Plan suggests the property is appropriate for industrial use. Tax IDs 798-678-0246 and 7143. [12SN0117- STAFF ANALYSIS](#)

Mr. Charles A. Smith, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 12SN0117 and acceptance of the following proffered condition:

PROFFERED CONDITION

Prior to site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way, measured from the centerline of Bellwood Road shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- G. **12SN0121:** In Clover Hill Magisterial District, **CLOVER HILL BAPTIST CHURCH** requests conditional use approval and amendment of zoning district map to permit a child care center in an Agricultural (A) District on 10 acres known as 3100 Old Courthouse Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. Tax ID 747-688-5828. [12SN0121 - STAFF ANALYSIS](#)

Ms. Bernice Whitley, the applicant's representative, accepted staff's recommendation.


No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 12SN0121 subject to the following conditions:

CONDITIONS

1. The child care center shall only be permitted in conjunction with the church use. (P)
2. Except where the requirements of the underlying Agricultural (A) zoning district are more restrictive, any new development for the child care use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
3. Any playground areas shall be located a minimum of forty (40) feet from all property lines. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522 (a)(1) of the Zoning Ordinance. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- J. **12SN0124:** In Clover Hill Magisterial District, **GSW, INC.** requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) on 1.7 acres fronting 200 feet on the south line of Genito Road, 990 feet west of Hull Street Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. Tax ID 742-684-8825.  [12SN0124 - STAFF ANALYSIS](#)

Mr. Chris Mulligan, the applicant's representative, accepted staff's recommendation.


No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 12SN0124 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Access: There shall be no direct vehicular access from the property to Genito Road. (T)
2. Permitted Uses: The following uses shall be permitted:
 - A. Contractors' offices and display rooms.
 - B. Uses permitted by right or with restrictions in the Corporate Office (O-2) District.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- L. **12SN0146***:** In Bermuda Magisterial District, **WALMART INC.** requests amendment of zoning (Case 89SN0110) and amendment of zoning district map relative to hours of operation in a General Business (C-5) District on 20.4 acres fronting 440 feet on the south line of Iron Bridge Road, 225 feet east of South Chalkley Road; also fronting 820 feet on the west line of South Chalkley Road, 195 feet south of Iron Bridge Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. Tax IDs 778-652-2898 and 7889.  [12SN0146 - STAFF ANALYSIS](#)

Mr. Craig Kelly, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 12SN0146 and acceptance of the following proffered condition:

PROFFERED CONDITION

Hours of Operation. Retail business hours for Walmart shall be limited to between 6:00 a.m. and 11:00 p.m. with the exception of Thanksgiving Day and the following Friday ("Black Friday"), when retail business hours shall be limited to between 6:00 a.m. Thanksgiving Day through 11:00 p.m. the following Friday ("Black Friday"). These extended hours shall be for Walmart only and shall not be transferable nor run with the land. (P)

(Staff Note: This proffered condition amends Condition 9.c of Case 89SN0110 for Walmart only.)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- **CASES WHERE THE APPLICANTS DO NOT ACCEPT STAFF'S RECOMMENDATION AND THERE WAS NO PUBLIC OPPOSITION.**

- E. **12SN0118:** In Bermuda Magisterial District, **ELLMER PROPERTIES CHESTERFIELD II LLC** requests conditional use planned development approval and amendment of zoning district map to permit exceptions to Ordinance requirements relative to signage in a General Business (C-5) District on 9.3 acres fronting 935 feet on the east line of Interstate 95, 1860 feet south of Ruffin Mill Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. Tax ID 804-637-7907. [12SN0118 - STAFF ANALYSIS](#)

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial. She also stated the current sign standards of the Ordinance provide adequate identification for uses on the property; and approval of this request could encourage other businesses to seek similar exceptions thereby resulting in sign proliferation, as evidenced with the adjacent properties.

Mr. John Cogbill, the applicant's representative, stated the applicant proposes a second sign to identify this new motor vehicle dealership. He also noted the property is currently occupied by a motor vehicle dealership, which received a conditional use permit and planned development approval to install a free standing sign larger and taller than the Ordinance limitations. He further stated the proposed sign would measure thirty-two (32) square feet in area and thirty (30) feet in height.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen stated over the past years the Board had approved larger and taller free standing signs than allowed by the Ordinance and that the current proposed sign is smaller in area than the previously approved signs. He thanked the applicant for the redesign of the sign and stated he could approve this request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 12SN0118 and acceptance of the following proffered condition:

PROFFERED CONDITION

The Owners and the Developer (the "Owners") in this zoning case, pursuant to Section 15.2 2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 804-637-7907 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for Conditional Use Planned development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Owners, the proffers shall immediately be null and void and of no further force or effect.

The Textual Statement dated September 28, 2011 shall be considered the Master Plan. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- H. **12SN0122:** In Bermuda Magisterial District, **CHRISTIAN LIFE CHURCH** requests conditional use approval and amendment of zoning district map to permit a church in a Heavy Industrial (I-3) District on

6.5 acres located in the northwest corner of Osborne and Old Stage Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. Tax IDs 802-659-2721, 3919, 4660 and 5824. 📄 [12SN0122 - STAFF ANALYSIS](#)

Ms. Jane Peterson gave an overview of the request and staff's recommendation for denial. She stated the original conditional use approval in 2005 and the subsequent extension of three (3) years in 2008 were based upon the understanding that this was a temporary location for the church and the continued operation of the church does not conform to the Plan. She also stated this use was contrary to the purpose of the Heavy Industrial (I-3) District, as identified in the Zoning Ordinance, which discourages the location of residential, office or commercial uses adjacent to the I-3 District based upon land use compatibility issues.

Mr. Dennis Lacheney, the applicant's representative and pastor of Christian Life Church, stated the church had been at this location for six (6) years; and that the church had recently purchased land to construct a new church. He also stated this two (2) year extension would allow additional time to hire a site developer to begin construction of the new building with the expectation of completion within this two (2) year time limit.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen stated that he was not aware of any problems with the church in this location for the past three (3) years and that this extension of time would allow the church time to construct the new building at its new location.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 12SN0122 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Conditional Use shall be granted for a period of time not to exceed two (2) years from date of approval. (P)
2. Church use shall be limited to the building located on Tax ID 802-659-5824 and identified on the plan approved as part of Case 05SN0145. Associated parking may be located on this or other properties which are included as part of this request. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- I. **12SN0123:** In Bermuda Magisterial District, **BALZER & ASSOCIATES, INC. AND SECOND BAPTIST CHURCH** request conditional use planned development approval and amendment of zoning district map to permit exceptions to Ordinance requirements relative to setbacks in Agricultural (A) and Neighborhood Business (C-2) Districts on .6 acre fronting 85 feet on the south line of Iron Bridge Road, 370 feet west of West Hundred Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. Tax IDs 785-652-2271 and 2975. 📄 [12SN0123 - STAFF ANALYSIS](#)

Ms. Jane Peterson gave an overview of the request and staff's recommendation for approval of Request I (parking setback reductions from the northwestern property boundaries), noting the proposed parking setback reduction would have no adverse impact upon the property; and the proposed parking expansion would maintain minimum setbacks from Route 10, consistent with the existing church parking lot.

Ms. Jane Peterson then gave an overview of Request II (parking setback reductions from the western property boundaries) and staff's recommendation of denial, noting the proposed parking expansion provides no transition to the adjacent residential use; represents an overdevelopment of the site; and could establish a precedent for additional exceptions through the conditional use planned development process.

Mr. Chris Shust, the applicant's representative, did not accept staff's recommendation and noted the presence of church members to include Mr. Jackson, the property owner to the west of the property. He stated an agreement was reached between the church and Mr. Jackson; and everyone agreed to the proffered conditions.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen stated there had been a community meeting in which several people had attended and no one had any issues with this request. He also noted the Jacksons, the property owners to the west, supported the request and agreed with the proffered conditions of the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 12SN0123 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Textual Statement dated September 23, 2011 and the exhibit titled "Second Baptist Church Schematic Layout Plan," prepared by Balzer and Associates, Inc., dated August 5, 2011, shall be considered the Master Plan. (P)
2. Access: There shall be no direct vehicular access from the property to Iron Bridge Road (Route 10). (T)
3. Right-of-Way Dedication: Prior to any site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way, measured from the centerline of Route 10 shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- K. **12SN0125:** In Midlothian Magisterial District, **DKS ASSOCIATES, INC. AND DONALD K. SPRIGGS, OWNER** request rezoning and amendment of zoning district map from Neighborhood Office (O-1) to Convenience Business (C-1) on .4 acre known as 2743 Buford Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. Tax ID 755-720-0315. [12SN0125 - STAFF ANALYSIS](#)

Mr. Robert Clay gave an overview of the request and staff's recommendation for denial and noted the proposed zoning and land uses do not conform to the Bon Air Community Plan, which suggests the property is appropriate for office use; and the proposed zoning and land uses were not representative of or compatible with existing and anticipated area development. He also noted the applicant has agreed to limit uses to those more in line with the Plan.

Mr. Donald Spriggs, the applicant, did not accept staff's recommendation and noted the proffered condition addressed the use restrictions on the property.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Waller stated there had been a community meeting in which one (1) person was present seeking information concerning this request and that he had received one (1) telephone call asking for clarification of this request; and expressed his intent to recommend approval of this request.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 12SN0125 and acceptance of the following proffered condition:

PROFFERED CONDITION

Uses shall be restricted to the following:

1. Offices, Brokerages, Nursery schools and child or adult care centers, and Massage clinics.
2. Uses permitted with certain restrictions in the O-1 District.
3. Barber or beauty shops. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

VIII. CITIZEN COMMENTS ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Mr. Waller, that the meeting adjourned at 6:38 p.m. to Tuesday, November 15, 2011 at 3:00 p.m., in the Public Meeting Room, Chesterfield County Administration Building, Chesterfield, Virginia.

Chairman/Date

Secretary/Date